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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

**Cung Le, Nathan Quarry, Jon Fitch, Brandon
Vera, Luis Javier Vazquez, and Kyle Kingsbury,
on behalf of themselves and all others similarly
situated,**

Plaintiffs,

v.

**Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,**

Defendants.

No.: 2:15-cv-01045-RFB-BNW

**PLAINTIFFS' STATEMENT
REGARDING INJUNCTIVE
RELIEF**

1 Plaintiffs submit the following statement regarding certification of the bout class for the
2 remedy of injunctive relief.

3 The Court's Order regarding Class Certification found that three of the named Plaintiffs
4 had standing to seek injunctive relief (Le, Fitch, and Vera). *See* ECF 839 at 73-74. The Court
5 nevertheless declined to certify the bout class for injunctive relief purposes under Fed. R. Civ. P.
6 23(b)(2) or 23(b)(3), stating, "Because Plaintiffs do not specifically address the 23(b)(2)
7 requirements or the nature of their requested injunctive relief in their motion for class
8 certification, the Court declines to certify the class under Rule 23(b)(2), at this stage. Instead, the
9 Court will hold a status conference after the issuance of this Order and will potentially allow
10 parties to supplement the motion, for the Court to have a fulsome discussion about whether
11 certification of the class for the purposes of injunctive relief is appropriate here." *Id.*

12
13 At a November 21, 2023 status conference, the Court ruled that if Plaintiffs intended to
14 seek injunctive relief, they would be limited to the existing discovery record, which concluded in
15 2017. *See* Nov. 21, 2023 Hearing Tr., ECF No. 923, at 62. The Court stated further that if
16 Plaintiffs were to succeed in any subsequent motion for additional discovery with respect to
17 injunctive relief in the *Le* case, the Court would continue the trial set to begin on April 8, 2024.
18 Because Plaintiffs are eager to try this case as scheduled, and given that the bulk of the members
19 of the bout class in *Le* are retired from professional MMA competitions, Plaintiffs will not be
20 seeking additional discovery with respect to the propriety of injunctive relief in *Le*.

21
22 Accordingly, Plaintiffs will not seek certification of a class for purposes of seeking
23 injunctive relief in this matter. Instead, at an appropriate time, Plaintiffs will seek certification of
24 a bout class in *Johnson v. Zuffa*, 2:21-cv-01189-RFB-BNW, for both damages and injunctive
25 relief purposes. Plaintiffs in *Johnson v. Zuffa* allege that all of the contracts Zuffa has with
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1 fighters -- past, present, and future -- are part of its anticompetitive scheme to harm rivals,
 2 enhance monopsony power, and suppress fighter pay. To the extent any anti-competitive
 3 provision of any fighter contract from the past, present, or future continues to be enforced (or
 4 will be enforced going forward), it would contribute to foreclosure of competition. Thus,
 5 Plaintiffs in *Johnson* expect to seek injunctive relief that would force the UFC to curtail the
 6 restrictive nature of all of its fighter contracts, whether the fighters are in the *Johnson* Class, the
 7 *Le* Class, or not in any class (because they will fight only in the future). Given the scope of the
 8 injunctive relief the *Johnson* Plaintiffs will be seeking, class members in *Le* whose MMA
 9 fighting careers remain active, or who are otherwise restrained by a “retirement clause” in their
 10 UFC contracts, would stand to benefit from such relief.
 11

12
 13
 14 DATED: December 22, 2023

Respectfully Submitted,

15 By: /s/ Eric L. Cramer

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Plaintiffs' Statement Regarding Injunctive Relief was served on December 22, 2023, via the District Court of Nevada's ECF system to all counsel of record who have enrolled in this ECF system.

/s/ Eric L. Cramer

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